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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Dublin City Council South**

**Planning Register Reference Number: 3242/20**

**Appeal** by Mark McCann care of Simon Clear and Associates of 3 Terenure Road West, Terenure, Dublin against the decision made on the 19<sup>th</sup> day of October, 2020 by Dublin City Council to grant subject to conditions a permission to Killian and Avril Whelan care of Lyons Kelly Architecture and Design of 5 Fitzwilliam Street Lower, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Demolition of a two-storey extension to the side; the construction of a new two-storey extension to the side; construction of a new two-storey extension to the rear including a west-facing terrace at upper ground floor level; internal alterations and general refurbishment works to the original house and a temporary opening in the east boundary wall for site access, including vehicular access, during the works; all at Thorndale (a protected structure), 31 Temple Road, Dartry, Dublin.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the condition(s) set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to the design, bulk, massing and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual and residential amenities of properties in the area and would not detract from the character and integrity of the Protected Structure (RPS Ref No. 8050). The proposed development would, therefore, be in accordance with the Z2 zoning objective of the Dublin City Council Development Plan 2016-22 and the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by An Bord Pleanála on the 11<sup>th</sup> day of December 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:
  - (a) a 1.8 metres high obscure glazed screen (or similar boundary) shall be provided to the western boundary of the west facing terrace at upper ground floor of the first floor rear extension, and
  - (b) a 1.8 metres high obscure glazed screen (or similar boundary) shall be provided to the western boundary and for 2 metres perpendicular from the western boundary along the north facing balcony/terrace at upper ground floor of the first floor rear extension.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of residential amenity.

3. The external finishes of the proposed extensions shall match those of the existing house in respect of colour and texture, unless otherwise

agreed in writing with the planning authority. Samples of proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. Upon the completion of works, the proposed temporary entrance shall be closed up, and the boundary wall reinstated in keeping with the existing boundary wall to the satisfaction of the planning authority.

**Reason:** In the interests of traffic safety and visual amenity.

5. (1) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.
- (2) All works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items to be removed for repair or reuse shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

- (3) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings), staircases including balusters, handrail and skirting boards, shall be protected during the course of the works.

**Reason:** To ensure that the integrity of the protected structure is maintained, the structures are protected from unnecessary damage or loss of fabric and that the proposed works are carried out in accordance with best conservation practice.

6. The development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including proposals to ensure there is no adverse impact on Luas operation and safety. The development shall comply with the 'Code of Engineering practice for works on, near or adjacent the Luas light rail system'.

**Reason:** In the interests of public safety and residential amenity.

7. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, with the exception of the following:
  - (a) specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development, and
  - (b) trees which are agreed in writing by the planning authority to be dead, dying or dangerous because of disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

Retained trees and hedgerows shall be protected from damage during construction works. Within a period of twelve months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species, together with replacement planting required under paragraph (b) of this condition.

**Reason:** In the interest of visual amenity.

8. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate

and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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**Maria FitzGerald**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2021.**